(3)

C.F 100

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH : BILASPUR.

W.P.No. 1526 2001.

Petitioner : Vijay Baghel S/o Late Shri N.L.Baghel.
aged 40 years, R/o Village-Urla, Tah. Patan,
Distt.DURG (C.G.).

VERSUS.

Respondents :

1. State of Chhattisgarh,
Through : Principal Secretary,
State Govt.of Chhattisgary,
Chhattisgarh Mantralaya,
RAIPUR.

P.B. No. 1329/01
Received by Shri ... 7.12.01
dated ... 7.12.01

2. Hon'ble Minister of Revenue,
State Govt.of Chhattisgarh
Shri Bhoopesh Baghel, Mantralaya
Raipur. R/o Bhlai-3, Distt.Durg (C.G.).

3. Supdt.of Police, Distt.DURG (C.G.).

4. Addl.S.P. (City)
Distt.DURG

5. Sub Divisional Magistrate,
Patan, Distt. Durg (C.G.)

6. Sub Divisional Magistrate, Bhilai.
Distt.Durg (C.G.).

7. C.S.P. Chhaoni,
Bhilai, Durg (C.G.).

8. Town Inspector of Police,
Police Station, Purani Bhilai,
Distt.Durg (C.G.).

OATH COMMISSIONER DURG (M.P.)

1-8-2001

contd..2

(4)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION LAW OF INDIA.

A.P.R.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (26)

आदेश पत्रक

मामला क्रमांक W.P. No. 1526/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02-05-2002

Shri T.K. Tiwari, learned counsel for the petitioner.

Dr. N.K. Shukla, learned Addl. Adv. General for the State.

Heard.

This petition styled as Public Interest Litigation has been filed by the petitioner on the ground that he is the President of Municipal Council, Charoda, Distt. Durg.

It is submitted that certain members of the Shiv Sena had given a call and wanted to submit a memorandum to the Minister of Revenue, State of Chhattisgarh Shri Bhupesh Baghel and something is stated to have transpired in this regard.

Counsel for the petitioner submitted that one Rajesh Tiwari, Durg Zila Pramukh of Shiv Sena had submitted a report to the Station House Officer, Purani Bhilai - 3 Distt. Durg but it is the submission of the counsel for the petitioner that said Rajesh Tiwari did not approach the Superintendent of Police nor filed any petition. The petitioner himself did not lodge any report or complaint. The petitioner was asked whether he himself had lodged any report upon which counsel for the petitioner asserted that the petitioner has not filed any report.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (25)

आदेश पत्रक

मामला क्रमांक W.P. No. 1526/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The scope of under Articles 226/227 of the Constitution of India is an extra ordinary one. If it is to be invoked as Public Interest Litigation the petitioner has to satisfy the Court on the question involved. It is said that Zila Pramukh of Shiv Sena had submitted the report to the Station House Officer. Rajesh Tiwari being Zila Pramukh of Shiv Sena is a person who can ventilate his grievance before appropriate forum. The matter relates to the individual rights of a person where individual rights are involved and who are able to prosecute their case, interference as PIL in a matter is not available especially when the petitioner who has come to this Court does not say that he himself had witnessed the incident or lodged the report. Even otherwise the provisions of the Code of Criminal Procedure are there to safeguard the interest of persons who want to bring it to the notice of the Station House Officers or the Superintendent of police as the case may be.

We have gone through the record and noted that no notice for demand of justice was served by the petitioner. Rajesh Tiwari himself had individual right and as he is said to be Zila Pramukh of Shiv Sena, he has not come forward in any capacity. In our opinion no case has been made out for interference as Public Interest

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XI-HC-22

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1521/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Litigation invoking extra ordinary jurisdiction under Articles 226/227 of the Constitution of India. We have refrained from making any comments on the merits of the case as in our opinion this case in hand does not fall within ambit of Public Interest Litigation.

In view of the matter this petition fails and is accordingly dismissed.

Security amount, if deposited, be refunded to the petitioner/counsel for the petitioner as per rules.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

Bm/-

[पीछे देखिये